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Petition to Withdraw
Restriction
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8-201

Attorney's Docket No. 032326-022

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of)
)
Rene-Paul BLANC et al) Group Art Unit: 2841
)
Application No.: 09/533,825) Examiner: H. Bui
)
Filed: March 24, 2000)
)
For: DISPOSABLE ELECTRONIC CHIP)
DEVICE AND PROCESS OF)
MANUFACTURE)

PETITION TO WITHDRAW THE RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.144, Applicants hereby petition for withdrawal of the restriction requirement that was made final in the Office Action dated July 5, 2001.

In the prior Office Action dated April 10, 2001, restriction was required between claims 1-30, drawn to an electronic chip device, and claims 31-47, drawn to a process to manufacture an electronic chip device. According to MPEP §803, there are two criteria for a proper restriction requirement. The first of these is that a showing must be made that the inventions are independent or distinct as claimed. In the Office Action, the two groups of claims were characterized as being directed to a product, and a process for making the product. According to MPEP §806.5(f), under these circumstances distinctness can be shown if the product as claimed can be made by another and *materially different* process. In support of the restriction, the Office Action states that the electronic chip device of claims 1-30 can be made by a screening process.

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However, there is no showing in either of the Office Actions that a screening process is *materially different* from the process recited in a number of the claims of the second group. For instance, each of claims 31 and 32 recite the step of providing an interface support film including a support film and at least one flat interface. There is nothing in these claims which precludes the interface from being formed by a screening process. In fact, at page 18, lines 4-7, the application discloses that the interface support film can be obtained by a variety of known processes, such as engraving, *screen printing with conductive ink*, selective application of conductive material, etc. Hence, the application specifically discloses a screening process as one of the implementations of the claimed method. There is no limitation in claims 31 or 32, or a number of their dependent claims, which precludes a screening process in the implementation of the method.

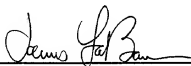
Accordingly, the Office Actions have not shown that the use of a screening process to make the electronic chip device of claims 1-30 is *materially different* from the process recited in the group of claims including claims 31-47. In fact, a number of the claims encompass such a process.

In view of the foregoing, a proper basis for requiring restriction has not been set forth. Applicants hereby petition for withdrawal of the restriction requirement.

Respectfully submitted,

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